

**Minutes
State Board of Education
Monday, December 6, 2004**

The Arizona State Board of Education held its monthly meeting at the Arizona Department of Education, 1535 West Jefferson, Phoenix, AZ 85007. The meeting was called to order at 9:00AM.

Members Present

Ms. Armida Bittner
Ms. Nadine Mathis-Basha, President
Dr. Michael Crow
Dr. Matthew Diethelm, Vice President
Ms. JoAnne Hilde
Ms. Evangelina "Conkie" Hoover
Superintendent Tom Horne
Ms. Joanne Kramer
Dr. John Pedicone

Board Business

Pledge of Allegiance, moment of silence and roll call.

1. APPROVAL OF MINUTES
 - A. October 18, 2004 Study Session
 - B. October 25, 2004 Regular Meeting

Motion by Dr. Diethelm to approve the above minutes for October 18 and October 25 as submitted.
Seconded by Ms. Hilde. *Motion passes.*

2. BUSINESS REPORTS
 - A. President's Report

Ms. Basha commended Ms. Hoover for her service and dedication to education in Arizona and noted that Ms. Hoover's term will conclude with today's meeting. Ms. Basha stated that Governor Napolitano will appoint a president or chancellor of a community college as Ms. Hoover's successor per Proposition 105.

Ms. Basha, as a board member of the Center for the Future of Arizona, presented the Center's vision statement noting that endorsements are being requested from various groups across the state in order to set a broad framework for a continued focus on Arizona's quality of life issues and the need for leadership in achieving educational goals. As discussions progress, specific issues will be brought back to the State Board for approval. Ms. Basha asked the State Board to approve her signing a copy of the endorsement on behalf of the State Board. (See materials in packet)

Motion by Dr. Diethelm to approve Ms. Basha's signature and the Center for the Future of Arizona's Vision Statement. Seconded by Ms. Hilde. *Motion passes.*

Ms. Basha updated members regarding the AIMS issues and the ASU research project regarding the AIMS analysis. The Board is engaged in understanding AIMS and making data-driven decisions. The data will include student profiles of those passing and not passing and trends that can be projected to 2006. To this end the Board is working with the Arizona Education Policy Institute, a collaboration of ASU, UofA, and NAU, to analyze current AIMS research. The primary focus initially will be:

- Profile of student academic achievement on the AIMS high school exam for the class of 2006 to include academic concepts of students that have completed successfully and areas of difficulty; and
- Relationship between student demographics and AIMS results.

The Arizona Department of Education staff will provide data from Spring 2004 this week and from Fall

2004 in January 2005. Dr. David Garcia, Assistant Professor, Arizona State University, and Dr. Jerome Agostino, Associate Professor, University of Arizona, are the leading researchers on this project.

B. Superintendent's Report

Superintendent Horne expressed appreciation to Ms. Hoover for her service on the State Board and congratulated Dr. Tacy Ashby for completing her doctorate and for her work on the Wallace Grant. Only seven grants were awarded out of 22 applications and Arizona won an award of \$3M over three years. Mr. Horne also noted that Dr. Karen Butterfield's work in the high school renewal effort has attracted national attention.

C. Board Member Reports

Dr. Diethelm updated members regarding his participation in an education sub-committee of the Governor's Council on Innovation in Technology. The group's mission is to advocate programs and policies that build a dynamic business environment, foster innovation, and create an entrepreneurial expansion of technology-based businesses in Arizona. Representatives from education and business communities as well as education-related entities, such as AEA, are members of this group. Topics being discussed by this group include:

- Accelerate the evolutionary process which supports the Board's policy of staying the course and working toward improvement; and
- Fully implement the use of reliable data and informative assessment development in classroom teaching using common curricula, best practices, and improving teacher training.

Dr. Diethelm has also volunteered to participate in a research program with the National Association of State Boards of Education, NASBE, regarding value-added assessment.

Dr. Pedicone discussed some of the issues facing Arizona that will be addressed by the Legislature including AIMS 2006. He noted that one of the most critical legislative issues being developed by superintendents and board members is the senior graduation test for 2006.

D. Director's Report, Including Discussion and Possible Legal Action

1. Review State Board Membership as Modified by Prop 105

Ms. Farley reiterated that this referendum passed in the November 2004 elections which replaces Ms. Hoover's position on the State Board with a president or chancellor of a community college and the State Board will be increased by an additional lay member and a charter school owner or operator. The expectation is that the Governor's Office will notify the State Board no later than next month as to how these positions will be filled.

2. Review Proposed Legislation Regarding Exemption from Rulemaking

Ms. Farley reported that the State Board has a folder open in legislative council under Representative Gray and work is continuing with the Attorney General's Office and the Arizona Department of Education on draft legislation. The expectation is that this would be ready early in January 2005. The Arizona Board of Regents' exemption is being used as our model allowing the State Board to have the authority to do its own rulemaking while insuring ample opportunity for public comment.

3. Review Draft Critical Issues Timeline

Ms. Farley has worked with State Board members and ADE staff in compiling the attached draft of 2005 Critical Issues Timeline. Ms. Farley noted that these issues will be discussed further at the January meeting.

4. Other Items as Necessary

Ms. Farley distributed the 2004 Legislative Proposals Recommended Policy Framework as reference for taking a position, noting that there are approximately 150-200 K-12 education-related issues in legislature each year. In addition, the assumption is that the Board would again like to pursue the budget footnote maintaining the hold on the State Board sponsoring any charter schools and continuing the IGA with the Charter School Board staff.

3. SPECIAL PRESENTATIONS

A. Presentation and Discussion Regarding National Board Teacher Certification and Recognition of New Arizona National Board Certified Teachers.

Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education, presented Arizona's National Board Certified Teachers. This program is a partnership between ASU, AEA and ADE. Representing Arizona State University were Dr. Eugene Garcia, Dean, College of Education, Dr. Jurs and Dr. Surbeck. Representing Arizona Education Association were Andrew Morrill, Vice President, and Donna Campbell.

(Please see information regarding the National Board Certification Teacher program and list of this year's National Board Certified Teachers in the materials packet).

Arizona now has a total of 239 National Board Certified Teachers. State Board members congratulated the teachers commending them for the extra effort and dedication required to reach this level, noting that these teachers are the role models for the leadership required in the future of Arizona's education.

B. Presentations and Discussion of Education Organizations' 2005 Legislative Agendas, Including But Not Limited To:

1. Arizona Department of Education

Mr. Art Harding, Legislative Liaison, reviewed the legislative proposals to be brought by the Superintendent and ADE. (Please see information in materials packet). It was noted that the definition of failing schools might need to be changed in order to make more funds available to students for tutoring.

2. Arizona Business Education Coalition

Ms. Susan Carlson, Executive Director, stated that ABEC does not submit legislation but rather works to convene others around complex issues and find a consensus. The areas of continued discussion are:

- Maintain K-12 funding;
- Continuation of the phase-in of voluntary all-day Kindergarten;
- Work with others on performance-based compensation with 301 monies;
- Data management support in developing the SAIS system and track student achievement;
- Support others on issues of excess utilities and building renewal; and
- Overall philosophy of supporting sound accountability.

3. Arizona School Boards Association

Ms. Janice Palmer, Director, Governmental Relations, presented some of the main issues that the ASBA will address this year:

- K-12 budget funding;
- Tax reform and the need for a solid foundation. The package will be revenue neutral to start. ASBA opposes the taxpayer Bill of Right capping dollar increases to growth and inflation;
- Trust land reform looking to make urban package only and removing rural components; and
- Local control regarding nutrition, vouchers, etc.

(Please see brochure in materials packet for additional information)

4. Arizona Education Association

Mr. Andrew Morrill, Vice President, noted that their agenda is member-driven and will include:

- Due process and equal rights for education support professionals; and
- Issues related to teacher quality, standards, certifications seeking to augment the level of representation from teachers.

(Please see handout in packet for additional information)

5. Arizona School Business Officials

Mr. Chuck Essigs, Director of Government Relations, highlighted some of ASBO's legislative issues:

- Full funding for school finance formula,

- Full implementation of Prop 301,
- Excess utilities and building renewal,
- Funding students FIRST,
- Special Education and ELL Weights,
- Reduction of paperwork and administrative burdens, and
- Continued commitment to full-day Kindergarten.

(Please see handout in packet for additional information)

6. Arizona School Administrators

Mr. Mike Smith noted that ASA adopts white papers that are broad position papers on issues effecting education in Arizona. ASA will adopt three new position papers on December 16, 2004 regarding:

- Certification
 - support stand-alone Board;
- Failed schools
 - local district and ADE need to partner; and
- SAIS
 - support ABEC bringing in business to help the system

ASA will also modify three existing white papers at the December 16, 2004 meeting regarding:

- All-day Kindergarten
 - needs to be fully funded
- Students FIRST
 - support a review of an alternative to funding
- Flores Consent Decree
 - time to be funded as required by the courts

Mr. Smith added that ASA would meet on December 10, 2004 to look at the tiered diploma proposal.

7. Arizona Association of County School Superintendents

Ms. Tonia Tunnell, Managing Director, noted the challenges for rural school districts relating to override election issues requiring sample ballots to be sent to every household. In addition, the AACSS is working with other education groups in Arizona on common issues.

(Please see handout in packet for additional information)

C. Presentation and Discussion Regarding Foster Children in the Public Schools.

Presentation is postponed until a later date.

D. Presentation and Discussion Regarding November WestEd Teacher Quality Conference.

Dr. Wade McLean, Chairman of the Board, WestEd, presented information from the “Quality Matters! WestEd’s Invitational Regional Conference” held recently in San Francisco on teacher quality. Dr. McLean noted the following topics highlighted at the conference:

- Teacher placement and the need for highly qualified teachers
 - Visionary leadership by successful principals
 - Preparation that will insure teacher success
 - Knowledge and skills that are needed to successfully teach a diverse group of students and whether this can be accomplished by traditional or alternative programs
 - Role played by the state in this endeavor
- Incentives that are most needed to draw teachers to the hardest-to-staff schools
 - Innovative compensation
 - Relationship and effect between financial incentives
 - Improved working conditions
- Support for the continued development of expertise in challenging settings
 - Correlation between knowledge and the programs implemented at the school level

Additional topics discussed at the conference were:

- Equipping teaching to meet needs of ELLs
- High quality professional development
- Strengthening teacher preparation systems
- Incentives to attract teachers where they are most needed
- Alternative routes to certification
- Connecting teacher compensation to student performance
- Models of continuing development of quality teaching in content areas
- Beginning teacher induction
- Impact of National Board Certified Teachers on low performing schools
- Federal initiatives that support teacher quality
- Pay for performance

Dr. McLean added that WestEd stands ready to assist the State Board and the Arizona Department of Education in any way possible.

4. CONSENT ITEMS

- A. Consideration to Approve Contract Abstracts
- B. Consideration to Accept the Grant from the U.S. Department of Agriculture to Pilot the Model Nutrition Policy.
- C. Consideration to Approve Nominations to the Special Education Advisory Committee (SEAP).
- D. Consideration to Accept the Voluntary Surrender of the Credentials of the Following Certification Cases:
 - 1. James J. Rukas, Case #C-2004-118
 - 2. Daniel Shapera, Case #C-2004-136
- E. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve Certification for the Following Individuals:
 - 1. Richard S. Hilstrom, Case #C-04-137R
- F. Consideration to Accept the Grant from the U. S. Department of Education Advanced Placement Incentive Program for advanced placement test fee reimbursement under the Western Consortium for Accelerated Learning Opportunities (WCALO).

Motion by Ms. Hilde to approve the Consent Agenda. Seconded by Ms. Bittner. *Motion passes.*

5. CALL TO THE PUBLIC

No requests to address the State Board were received.

6. GENERAL SESSION

- A. Consideration to Approve the Negotiated Settlement for Cynthia Nightengale, Case #C-2004-070 as Recommended by the Board.

Mr. Vincient Yanez, Chief Investigator, Investigative Unit, Arizona State Board of Education, presented background information and reiterated the decision made previously by the State Board which included a one-year suspension with reinstatement contingent upon a professional assessment over time. Mr. Yanez added that a settlement agreement had been reached with Ms. Nightengale per the conditions listed in the materials provided in the packet.

Discussion ensued regarding whether a specific psychological evaluator should be stipulated. Ms. Oyen suggested that if further specifications need to be made and agreed upon with Ms. Nightengale, this item could be brought back to the Board in January in the Consent Agenda.

Motion by Dr. Pedicone for staff to include specifics in the negotiated settlement regarding a psychological evaluator and bring the item back for placement on the Consent Agenda in January 2005. Seconded by Dr. Crow. *Motion passes.*

B. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve Certification for the Following Individuals:

1. James Martin Dillon, Case #C-2004-105R

Mr. Vincient Yanez, Chief Investigator, Investigative Unit, Arizona State Board of Education, presented background information per materials provided in the packet.

Ms. Elisia Aguirre, Legal Counsel for Mr. Dillon addressed the Board and recommended approval of Mr. Dillon's application for certification.

Mr. Dillon stated that he is remorseful and that this has been a humbling experience for him. He added that he is more dedicated to teaching and asked the Board for faith, trust and to consider that change is possible.

Motion by Ms. Hoover to approve Mr. Dillon's application for certification. Seconded by Ms. Hilde. *Motion passes.*

C. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Deny Certification for the Following Individuals:

1. DiAnne Grubaugh, Case # C-2003-074 R

Mr. Vincient Yanez, Chief Investigator, Investigative Unit, Arizona State Board of Education, presented background information as provided in the materials packet.

Motion by Dr. Diethelm to adopt the findings of fact and conclusions of law of the PPAC that Ms.

DiAnne Grubaugh engaged in immoral and unprofessional conduct and approve the PPAC's recommendations to deny any and all teaching certificates held by Ms. DiAnne Grubaugh. Seconded by Ms. Kramer. *Motion passes.*

2. Kelly Shunk, Case #C-2004-134R

Ms. Shunk requested to participate via telephone and one attempt was made, per previous agreement, to reach her at the number provided by Ms. Shunk. Upon dialing the number a message machine was reached. No message was left on the recording.

Mr. Vincient Yanez, Chief Investigator, Investigative Unit, Arizona State Board of Education, presented background information as provided in the materials packet. Ms. Hoover asked whether a letter from Ms. Shunk, which was submitted to Board members today, would have had a bearing on the PPAC's decision. Mr. Yanez responded that Ms. Shunk called the Investigative Unit after the PPAC hearing wanting to make the Board aware of her feelings about the PPAC's proceeding. Mr. Yanez suggested that she put her feelings in a letter to the Board, which is the letter distributed to Board members today. Mr. Yanez added that the PPAC has not seen the letter.

Motion by Dr. Diethelm to adopt the findings of fact and conclusions of law of the PPAC that Ms. Kelly Shunk engaged in immoral and unprofessional conduct and approve the PPAC's recommendation to deny any and all teaching certificates held by Ms. Shunk. Seconded by Ms. Bittner. *Motion passes.*

3. Fatima Jackson, Case # C-2004-106 R

Mr. Vincient Yanez, Chief Investigator, Investigative Unit, Arizona State Board of Education, advised the Board that after the PPAC held its review, Mr. Arbetman, Legal Counsel for Ms. Jackson, contacted the Investigative Unit indicating that Ms. Jackson wanted to withdraw her application. Therefore, this item is removed from the Agenda.

Break at 11:05AM. Meeting re-convened at 11:15AM.

D. Presentation, Discussion and Consideration to Approve Notice of Final Rulemaking for R7-2-**612 and R7-2-613** Regarding Early Childhood Teacher Certification and Endorsements.

Ms. Karen Woodhouse, Deputy Associate Superintendent, Early Childhood Education, Arizona Department of Education, presented background information as provided in the materials packet.

Ms. Hilde expressed concern that:

- Programs could lose long-term staff;

- There could be possible future unintended consequences;
- Teaching staff could be more expensive; and
- Other programs could be cut back at least in the short term.

Ms. Woodhouse noted that these concerns have been discussed and the hope is that no one will consider it impossible to attain certification. She added that the field is working hard to break down the challenges and provide opportunities to help anyone who wants to attain certification.

Motion by Dr. Pedicone to approve Notice of Final Rulemaking for R7-2-612 and R7-2-613 incorporating the changes as presented. Seconded by Dr. Diethelm. *Motion passes.*

~~E. — Presentation, Discussion and Consideration to Approve Notice of Proposed Rulemaking for R7-2-612 and R7-2-613 Regarding Early Childhood Teacher Certification and Endorsements.~~

F. Presentation and Discussion Regarding the Implementation of the Voluntary Full-Day Kindergarten Program.

Ms. Karen Woodhouse, Deputy Associate Superintendent, Early Childhood Education, Arizona Department of Education, presented via PowerPoint the information provided in the materials packet. Ms. Woodhouse noted that student progress is based on national studies and that Arizona now has information from our Reading First schools. Anecdotally not many families have wanted to take the half-day option. Ms. Woodhouse will report back regarding the increased number of students served. She added that the plan is to get short-term data results as well as set up for longitudinal study. Some discussion ensued regarding the programs that have been improved with the monies available and the desperate need in the rural areas for professional development. Ms. Woodhouse noted that as they work to meet the intent of the law they would develop a system of effectively delivering professional development to rural areas. Ms. Woodhouse also cited a compilation of studies by WestEd from national research that shows the positive benefits of full-day kindergarten.

G. Presentation, Discussion and Consideration to Withhold 10% of State Aid from the Following State Board of Education Sponsored Charter Schools for Noncompliance with State Law for Failure to Submit their Annual Financial Report:

1. ~~Career Success~~
2. ~~Daisy Education Corporation~~
3. Developing Innovations in Navajo Education
4. ~~Dragonfleye Science~~
5. ~~Florence Crittenton Services of Arizona~~
6. Foothills Academy
7. ~~Global Renaissance Academy of Distinguished Education~~
8. ~~Kingman Academy~~
9. Mesa Arts Academy
10. ~~New Visions Academy~~
11. ~~Omega Schools~~
12. ~~Pima County Board of Supervisors~~
13. Precision Academy Systems
14. ~~Terra Nova Academy~~
15. Terra Rosa Charter School

Ms. Kristen Jordison, Executive Director, Arizona State Board for Charter Schools, presented background information as provided in the materials packet and noted that the only school still out of compliance is Developing Innovations in Navajo Education (DINE) having not yet submitted the classroom site fund report, a component of the Annual Financial Report. Ms. Jordison stated that DINE was before the Board for special education issues in November and at that time the Board voted to withhold 10% of its monthly apportionment. Ms. Jordison requested that the Board add to the basis of

the withholding, as the missing report has been an ongoing concern since 03-04. This would enable the withholding to continue until both the AFR and special education reports are received. Motion by Ms. Hilde to add to the current 10% withholding for failure to submit the classroom site fund report. Seconded by Ms. Hoover. *Motion passes.*

H. Presentation and Discussion Regarding Certification Reform Activities, Including But Not Limited To, Updates on the Performance Assessment Subcommittee.

Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education, presented background and updated information including:

- The development of the portfolio,
- The first draft of the rubric,
- A definition of the portfolio requirements, and
- Identification of the forms for portfolio submission.

The goal is to share the final draft of these materials at the January 2005 meeting. (See materials provided in packet).

I. Presentation, Discussion and Consideration to Approve Cut Scores for the Arizona and United States Constitutions and the Subject Knowledge Educator Proficiency Assessments.

Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education, presented background information as provided in the materials packet. Ms. Wiebke noted that the math test for middle school teachers could be on-line within 12-18 months. The grade levels need to be evaluated and discussion regarding math teacher preparation between higher education and the field is needed. Further discussion ensued regarding the certification requirements. Mr. Martin Carlin, National Evaluation Systems, responded to Ms. Hilde's request of the percentage passed on "best attempt" versus "initial attempt". The suggestion is that the score be set at -1 or -2 if there is a lack of math content knowledge and then continue to work with math educators to alleviate the problem. It was noted that an increase in the number of teachers who would not pass the math test would result from using the panel-based scoring. The correlation of teachers and students not doing well in math is also being studied.

Ms. Wiebke noted that the recommendation of the Department is to raise all the content tests to the panel-based score at this time except math since there is a low percentage of applicants able to pass the math test at the panel-based score. The Department recommends the math scores be at either -1 or -2 until such time the committee can determine the reason for low math scores. They will meet with math educators in the field and at the higher education level to work on the problem. Ms. Basha noted that the universities are willing to assist in working on this issue.

Dr. Pedicone stated his concern as to whether a mandate can get us where we need to be. He asked for better data and where the contact points would be to make the changes needed. Dr. Crow cautioned members to be careful about the notion that there is also the chance that the uncertifiable math teacher is also unqualified, since the curriculum of a math major and a teacher who teaches some math can be very different. Dr. Diethelm noted that raising the bar motivates and triggers the desire to achieve.

Motion by Dr. Diethelm to approve the recommendations of the Arizona Educator Assessment Advisory Committee and set the passing scores for the Arizona and United States Constitutions and Subject Knowledge portions of the AEPA at their respective panel-based passing scores as outlined in the Board materials, with the exception of mathematics which will be set at -2 standard deviations. Seconded by Ms. Hoover. Ms. Hilde stated her agreement that the study needs to be done but added that the Department must report back to the Board with recommendations. *Motion passed. Drs. Pedicone and Crow voted no.*

J. Presentation, Discussion and Possible Consideration to Approve ~~Notice of Docket Opening and Notice of Proposed Rulemaking for R7-2-A Policy~~ Regarding Alternative Paths to Teacher Certification Through Use of the Intern Certificate.

Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education, presented background information and recommendations as noted in the materials packet. Ms. Hilde stated her concern about an alternative process but added that at this time this is probably the direction that should be taken, allowing each step to be tracked before the rule process is begun. Ms. Bittner noted that during this period of time avenues should be explored to include the rural areas in these efforts. Ms. Wiebke responded that this is part of the consideration and hopefully distance learning can be a component of the solution.

Mr. Andrew Morrill, Vice President, Arizona Education Association, stated that AEA is supportive of this proposal for the following reasons:

- It has the potential of reducing the number of emergency certificates;
- It offers study about mentoring and accountability; and
- It provides for some deliberation on the part of districts that would enter into this agreement.

Mr. Morrill added that the teaching profession should be made more attractive and marketable so that those who want to pursue this dream will be encouraged and supported. He said that teaching conditions should be focused on particularly for teachers in years 1-5 where the highest rate of turnover occurs.

Motion by Ms. Kramer to approve the recommended implementation of the alternative paths to the certification pilot program as presented by using the current intern certificate. Seconded by Superintendent Horne. *Motion passes.*

~~K. Presentation, Discussion and Consideration to Approve Notice of Supplemental Rulemaking for R7-2-1001 and R7-1-1011 Regarding On-Line Bidding for School District Procurement. Ms. Farley~~

The Board recessed for lunch at 12:40PM and re-convened at 1:25PM. Dr. Crow was not in attendance after the lunch break.

L. Presentation, Discussion and Consideration to Approve Docket Opening and Notice of Proposed Rulemaking for R7-2- Regarding the Viewing Policy for the State-Contracted Norm-Referenced Test as Required Pursuant to A.R.S. §15-747.

Ms. Roberta Alley, Acting Deputy Associate Superintendent, Assessment Division, Arizona Department of Education, presented the proposed rulemaking noting that changes recommended by the Board have been incorporated. Please see materials provided in packet. Ms. Alley added that they are working with the Attorney General's Office to conform to the settlement agreement and stay within those guidelines. Ms. Farley added that the appropriate rule number would be assigned as the process moves forward. Motion by Dr. Pedicone to approve the Docket Opening and Notice of Proposed Rulemaking for this particular item regarding procedures for viewing the State-contracted norm-referenced test. Seconded by Ms. Bittner. *Motion passes.*

M. Presentation, Discussion and Consideration to Adopt the AZ LEARNS Formula for K-2 Schools. Mr. Franciosi

Dr. Robert Franciosi, Deputy Associate Superintendent, Research and Evaluation Section, Arizona Department of Education, presented the background information including the rubric for evaluating K-2 schools. Please see materials in packet. He noted that because this is simple, and uses only this year's data, they are requesting that the current policy be waived which requires schools to have three years of data before receiving a profile. Any school that was open at least last year would now receive a profile. Additional notes regarding this proposal were:

- It includes Stanford 9; and
- The numbers and grade will be tracked and correlated with those that might be seen in a K-8 or K-6 school.

Motion by Ms. Hilde to approved the recommended formula for K-2 schools to be applied under AZ LEARNS including the cut points given in Table 1 and waiving the policy of requiring that a school be

open at least three years before receiving a profile. Seconded by Ms. Hoover. *Motion passes.*

N. Presentation, Discussion and Consideration to Approve a Policy Allowing Additional Opportunities for Students Who Have Completed Their High School Senior Year to Continue to Take the AIMS Test.

Ms. Roberta Alley, Acting Deputy Associate Superintendent, Assessment Division, Arizona Department of Education, presented background information noting that this proposal would allow students to re-take the AIMS test beginning in Fall 2006. Ms. Alley noted that there is no limit on how long the student can continue to re-take the test, until they are able to pass the AIMS test. Superintendent Horne stated that the Arizona Department of Education would supply the tests so the only cost to the school district would be to proctor and administer the tests. A requirement will be added that the student must notify the school at least three months prior to taking the test to insure that space and tests are available. Ms. Hilde noted that a specific description of "former Arizona student" should be included, i.e., student who graduated in 2006, to eliminate any misunderstanding. Ms. Alley added that they are exploring the possibility of adding additional test sites, which could include community colleges, literacy programs, and GED sites. Ms. Alley will provide a follow-up report at a later date.

Motion by Ms. Kramer to approve the recommended policy for students who have completed their senior year in high school to continue to take the AIMS test. Seconded by Dr. Diethelm. *Motion passes.*

O. Presentation and Discussion of Proposed Evaluation Rubric for Structured English Immersion Professional Development in Order to Accept Approved Activities for Structured English Immersion Endorsement Eligibility.

Ms. Irene Moreno, Deputy Associate Superintendent, Academic Achievement Division, English Acquisition Services Unit, Arizona Department of Education, presented background information as provided in the materials packet. Ms. Moreno noted that the English Acquisition Services Unit wants to make the process of obtaining the SEI endorsement simple, coherent, and expedient, while maintaining the standard of quality instruction according to A.R.S. § 15-756 (5) (a-c).

P. Presentation and Discussion of the School Districts who Applied to Provide Services Through the Failing Schools Tutoring Fund.

Ms. Nancy Konitzer, Deputy Associate Superintendent, Academic Achievement Division, Arizona Department of Education, provided background information noting that nine districts applied for the tutoring grant to run their own programs for thirteen schools. Seven schools applied for reimbursement programs. She noted that these funds are limited to those schools with an underperforming label and that approximately \$400,000 in requests for funds has been received at this time serving approximately 1600-1700 students. The Department will review the grants for accuracy and verify that the parents signed up for the program, which is a requirement. Ms. Konitzer added that there was only a three-week turn-around to apply for these funds. As soon as the grants are reviewed and approved the funds will be dispersed at which time the programs can begin. Superintendent Horne added that the legislature will be asked to expand the definition of failing schools and narrow the focus to the priority student population which is the juniors who did not pass AIMS in their sophomore year. Ms. Hilde suggested adding language to the rule that would make funds available for additional groups of students thereby having a system in place for the future that will assist students in being successful throughout their education process.

Ms. Basha noted that in many cases the students who need the most help have the least amount of resources and asked the Superintendent to clarify what the Department's proposal will be. The Superintendent responded that the essentials of the legislative proposal would be:

- To expand the definition of failing schools to include about half the schools in the state;
- To limit use of the funds to students, currently juniors, who failed the AIMS test;
 - To limit the amount to \$250 per student in this category making sure there are funds for everyone; and

- To fund an additional \$4.5M to cover other schools not covered by the definition.

Ms. Hilde requested additional time for members to discuss this further with the Superintendent. Superintendent Horne responded that a week would be allowed for further discussion after which time an emergency bill would be requested from legislature so funds could be available for use in the Spring tests. It was noted that the original proposal would again be provided to members for review in this honorable but complicated program.

- Q. Presentation, Discussion and Consideration to Approve Allowing Piñon Unified School District to Accumulate Funds in the Unrestricted Capital Section of their Budget Retroactively for Fiscal Year 2003-2004 and/or for Fiscal Year 2004-2005.

Mr. Lyle Friesen, Legislative Advisor, School Finance, Arizona Department of Education, presented background information stating that Piñon Unified School District (PUSD) does meet the requirements for approval to accumulate for soft capital and noted that PUSD is not in compliance with the Arizona Revised Statute requirement to submit an annual financial report for FY 03-04. Without that report the School Finance Unit is unable to determine the amount that PUSD could be approved for this year. Mr. Friesen added that several attempts have been made to communicate with PUSD via telephone and email in this matter and no response has been received to date.

Motion by Ms. Hilde to deny Piñon's request to accumulate funds for FY 2003-2004 and FY 2004-2005 at this time due to non-submission of their Annual Financial Reports. Seconded by Dr. Diethelm. *Motion passes.*

- R. Presentation, Discussion and Update on Schools Failing to Meet Academic Standards Under AZ LEARNS and Possible Consideration to Designate One or More Schools With A Profile Other Than Failing Pursuant to the Board's Authority Under A.R.S. §15-241.

Ms. Tommie Miel, Education Program Administrator, State Intervention Section, Arizona Department of Education, presented background and update information. Please see additional information provided in materials packet.

Ms. Jennifer Regalado, Director, Accountability Systems and Reporting, Research and Evaluation, Arizona Department of Education, presented an update regarding the intervention process. Please see information provided in materials packet.

Mr. Silverio Garcia, Jr., representing Arizona LULAC, addressed the State Board regarding a local school issue in the Roosevelt School District #66. Ms. Basha reminded Mr. Garcia that these concerns are by law a local issue that State Board is not authorized to address. Ms. Basha noted that improvement can happen and that resolution should be addressed at the local level. She assured Mr. Garcia that the Arizona Department of Education stands ready to assist in the resources needed to improve education at the local level.

- S. Presentation, Discussion and Consideration to Open the Docket and Approve Proposed Rulemaking for R7-2-614 Regarding Superintendent Certification Requirements in School Districts With Under 600 Students.

Ms. Christy Farley, Executive Director, State Board of Education, presented background information noting that this rule exemption is set to expire on July 1, 2005. The State Board has received requests from small and rural schools for an extension. Ms. Farley noted that at this time it is not known what the qualifications are for those individuals in these positions at the present time. She noted that the majority of them might be holding a certificate in one of the following categories:

- Superintendent,
- Supervisor, or
- Principal.

Ms. Farley noted that some time is needed to gather data and look at what the qualifications might be. She recommended that this rule be extended one additional year. Within the next six months a meeting should take place with the Arizona Small And/Or Rural Schools Association and the Arizona School

Administrators to develop a long-term recommendation to the State Board.

Motion by Dr. Pedicone to approve the Docket Opening and Notice of Proposed Rulemaking for R7-2-614 regarding superintendent certification requirements in school districts with under 600 students. Seconded by Ms. Bittner. *Motion passes.*

T. Pursuant to A.R.S. §38-431.03 (A) (3) and (4), the Board may vote to go into Executive Session for consultation and legal advice and/or for Instructing the Board's attorneys regarding the Board's position regarding Capella University. Possible Consideration for Board Action Regarding The Request from Capella University for Reconsideration of Their Status as A Professional Preparation Program, Pursuant to State Board Rule R7-2-604.

Motion by Dr. Pedicone that pursuant to A.R.S. 38-431.03 (A)(3) and (4) the Board go into Executive Session for consultation and legal advice regarding the Board's position concerning Capella University. Seconded by Ms. Kramer. *Motion passes.*

The State Board adjourned to Executive Session at 2:35PM and re-convened at 2:45PM.

7. ADJOURN

Motion by Dr. Diethelm to adjourn. Seconded by Ms. Bittner. *Motion passes.*

Meeting adjourned at 2:47PM.

*****NOTE: Additions to the agenda are bolded and underlined and deletions are stricken.**